



Docket No: ACY33317-D1
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Rasappa G. Arumugham *et al.*
Application No.: 10/643,314 Examiner: Devi, Sarvamangala J N
Filed: August 19, 2003 Art Unit: 1645
For: Antigenic Conjugates of Conserved Lipopolysaccharides of Gram
Negative Bacteria
Confirmation No.: 3547
Customer Number: 25291

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

I, Bill T. Brazil, represent that I am an agent of record and am empowered to act on behalf of Wyeth Holdings Corporation. Wyeth Holdings Corporation is the assignee of record, Recordation of Assignment Reel Number 010041, Frame 0973, of the entire right, title, and interest in and to the invention in the subject application. Wyeth Holdings Corporation is also the assignee of record of U.S. Patent No. 6,645,503, Recordation of Assignment Reel Number 010041, Frame 0973.

On behalf of Wyeth Holdings Corporation, I hereby disclaim, except as otherwise provided herein, the terminal part of any patent granted on the subject application which would extend beyond the expiration date of the full statutory term, including statutory extensions thereof of U.S. Patent No. 6,645,503 for ANTIGENIC CONJUGATES OF CONSERVED LIPOPOLYSACCHARIDES OF GRAM 10/643,314 might be extended pursuant to the Drug Price Competition and Patent Term Restoration Act of 1984 (35 USC §156) or any other applicable act of Congress, and hereby agree that any patent so granted on the subject application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,645,503, this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successors or assigns.

Wyeth Holdings Corporation, does not disclaim any terminal part of any patent granted on the subject application prior to the expiration date of the full statutory term of U.S. Patent No. 6,645,503 in the event that such patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a); has all claims cancelled by a reexamination certificate; is reissued; or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

09/20/2004 WASFAW1 00000009 011425 10643314

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CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV295519213US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

September 16, 2004
Date


Carole K. Kamrad
Carole K. Kamrad

Pursuant to 37 CFR 3.73(b), I have reviewed all the recordation information above or all documents in the chain of title of the subject patent application and, to the best of my knowledge and belief, title is in the assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Petitioner hereby authorizes payment of the requisite One Hundred and Ten Dollars (\$110.00) fee for this Terminal Disclaimer pursuant to 37 CFR 1.20 (d) by charging Deposit Account No. 04-1425. A duplicate copy of the transmittal letter is enclosed for deposit account charging purposes.

Date:



Bill T. Brazil
Agent for Applicants
Reg. No. 50,733

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